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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,097	11/03/2000	Katherine Ann Weller	58154.000002	5039

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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,097

Applicant(s)

KATHERINE ANN WELLER

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 13-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/3/00 07/01/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Applicant's election without traverse of claims 1-12 in the reply filed on 6/14/2004 is acknowledged.

Claim Rejections - 35 USC §101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requires of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The invention as recited in the claims is merely an abstract idea that is not within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. "A decision analysis system," mere nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not affect or effect the underlying process.

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In the instant application the applicant recites in the preamble, "A decision analysis system" but does not further disclose the use of any technology associated with the desired system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagler, Patent Application Publication US 2001/0039508.

Referring to claim 1. Nagler discloses a decision analysis, comprising:

- A demand component comprising at least one demand-oriented, values-based decision analysis component (Nagler: Figure 1 and paragraph 0026); and
- A supply component comprising at least one supply-oriented, values-based decision analysis component (Nagler: Figure 1 and paragraph 0025).

Referring to claim 2. Nagler further discloses a system wherein the at least one demand-oriented, values-based decision analysis component, and the at least one supply-oriented, values-based decision analysis component each comprises at least

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one object-oriented analytical model (Nagler: Figure 1, "Attributes Scoring and Matching Provider").

Referring to claim 3. Nagler further discloses a system wherein each object-oriented analytical model is adapted to utilize information received by other object-oriented analytical models (Nagler: Figure 2, "Generate Matching Scores").

The Examiner notes, the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. In reference to claim 3, the language "adapted to" leads to a recitation of the intended use of the claimed invention and is given little patentable weight.

Referring to claim 4. Nagler further discloses a system wherein the at least one demand-oriented, values-based decision analysis component comprises a buy component for assisting a customer in choosing a product among a plurality of product (Nagler: paragraph 0022).

Referring to claim 5. Nagler further discloses a system wherein the buy component comprises an object oriented analytical model (Nagler: paragraph 0032)

Referring to claim 6. Nagler further discloses a system wherein the at least one demand-oriented, values-based decision analysis component comprises a sell

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component for assisting a user in offering products to customers (Nagler: paragraph 0032).

Referring to claim 7. Nagler further discloses a system wherein the sell component comprises an object-oriented analytical model (Nagler: paragraph 0032)..

Referring to claim 8. Nagler further discloses a system wherein the at least one demand-oriented, values-based decision analysis component comprises a buy component and a sell component (Nagler: Figure 1 and Figure 2).

Referring to claim 9. Nagler further discloses a system wherein the buy component and the sell component each comprise an object-oriented analytical model (Nagler: paragraph 0032).

Referring to claim 10. Nagler further discloses a system wherein the at least one supply-oriented, values-based decision analysis component for assisting a user in determining products to offer (Nagler: paragraph 0073 through 0074).

Referring to claim 11. Nagler further discloses a system wherein the build component comprises an object-oriented analytical model (Nagler: paragraph 0032).

Referring to claim 12. Nagler further discloses a system wherein information gathered by the demand component utilized by the supply component, and information gathered by the supply component is utilized by the demand component (Nagler: Figure 1 and Figure 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sammon, U.S. Patent No. 6,012,051, January 4, 2000, discloses a consumer profiling system with analytical decision processor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

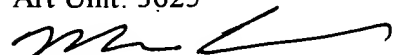
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MSG

Patent Examiner

October 4, 2004